

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, JULY 17, 2012, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM LOCATED IN THE GOVERNMENT CENTER, 1255 FRANKLIN STREET, SUITE 104, ROCKY MOUNT, VIRGINIA.

THERE WERE PRESENT: David Cundiff, Chairman
 Leland Mitchell, Vice-Chairman
 Bob Camicia
 Ronnie Thompson
 Charles Wagner
 Cline Brubaker
 Bobby Thompson

OTHERS PRESENT: Richard E. Huff, II, County Administrator
 Christopher Whitlow, Asst. Co. Administrator
 Larry Moore, Asst. Co. Administrator
 B. J. Jefferson, County Attorney
 Sharon K. Tudor, MMC, Clerk

David Cundiff, Chairman, called the meeting to order.

Chairman Cundiff recessed the meeting until 4:00 P.M.

Chairman Cundiff called the meeting to order.

Invocation was given by Supervisor Bob Camicia.

Pledge of Allegiance was led by Supervisor David Cundiff

PUBLIC COMMENT:



CONSENT AGENDA
APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – JUNE 19, 2012
APPROPRIATIONS

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Designated Carryovers Required by Revenue Classification/Board Action			
Sheriff	Project Lifesaver	3102- 5105	\$3,711
Sheriff	DARE Donations	3102- 5423	\$1,019
Sheriff	Bullet Proof Vests	3102- 5422	\$1,840
Sheriff	Jail Pay Phone Commission	3301- 7010	\$60,620
Sheriff	Domestic Violence Grant	3105- 1010	\$25,821
Public Safety	Pet Friendly License Plates	3501- 5600	\$1,930
Public Safety	Spay/Neuter Funds	3501- 5620	\$8,441
Public Safety	Four for Life Grant	3505- 5540	\$60,684
Planning	Housing Rehab Funds	8101- 5703	\$43,491
Planning	Zoning Ordinance Prof Services	8102- 3002	\$76,185
	Total		\$283,742
Department Carry Forwards/Rollovers:			
Board of Supervisors			\$57,000
Commissioner of Revenue			\$9,350
Information Technology			\$32,454
Registrar			\$40,000
Finance			\$2,000
Human Resources			\$12,182

General District Court			\$1,085
J and D Court			\$6,000
Court Services			\$4,317
Clerk of Court			\$15,998
Commonwealth Attorney			\$6,134
Sheriff			\$58,828
Building Inspections			\$7,752
Public Safety			\$24,000
Public Works			\$41,295
Landfill			\$140,000
Family Resources			\$9,865
Parks and Recreation			\$4,561
Library			\$916
Planning			\$25,810
Contributions			\$30,000
Extension			\$18,000
Franklin Center			\$17,150
E911			\$17,400
	Total		\$582,097

Other Appropriations:			
Library	Additional State Aid	7302- 8001	\$648
Sheriff	Insurance Proceeds	3102- 3004	\$8,533
Sheriff	Insurance Proceeds	30- 0017	\$9,300
Sheriff	Citizen's Academy Donation	3102- 5505	\$800
Public Safety	Fire Programs Fund	30- 0147	\$19,311
	Total		\$38,592

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Sheriff	DARE Donation	3102- 5423	\$50
Sheriff	Insurance Proceeds	3102- 3004	\$3,982
Sheriff	Homeland Security Grant	3102- 5410	\$11,179
Social Services	Additional State Revenue Received	5306- 1003	\$50,000
Social Services	Additional State Revenue Received	5307- 5811	\$130,000
Tourism	Virginia Arts Grant	8110- 5902	\$5,000
Parks and Recreation	Moving Wall Donation	7102- 5412	\$100
Parks and Recreation	Randy Taylor Memorial Donation	7102- 5412	\$185
Parks and Recreation	Disc Golf Donation	30- 0178	\$32
		Total =	\$200,528

Transfers Between Funds, Departments, Capital Accounts

Public Safety	(294,109)
Public Safety Station Construction	294,109
Transfer excess billing revenues to Capital Account Reserve	
Regional Jail Capital Reserve	(150,000)
Regional Jail Per Diem	150,000
To move CIP reserve funds to General fund to cover June payments to Regional Jail	

Additional Transfers Between Departments and Cost Centers			
Commonwealth Attorney	2201-	1001	38,332
Commissioner of			
Revenue	1209-	1001	(29,497)
Court Services	2109-	3003	(3,700)
Sheriff Fuel	3102-	5408	18,000
Nondepartmental - Fuel Reserve	9103-	9122	(18,000)
Nondepartmental - Health Insurance	9103-	2300	(66,808)
Nondepartmental - Personnel			
Reserve	9103-	9121	(73,192)
Human Resources	1216-	2800	140,000
Aging Services	5311-	1003	(20,000)
Family Resources	5310-	1003	20,000
Risk Management	1215-	2018	(4,900)
Data Lines	1221-	5204	(5,000)
Registrar	1301-	1003	(10,000)
Animal Control	3501-	1001	(6,400)
Refuse Disposal	4204-	7001	(15,000)
Refuse Collection	4203-	3005	(10,000)
CSA	5309-	5730	(43,735)
Sheriff	3102-	1001	89,900

SHERIFF’S DEPARTMENT PURCHASE OF FORD EXPLORER/STATE CONTRACT

The Franklin County Sheriff’s Office is a law enforcement agency with local jail and law enforcement responsibility. It maintains a fleet of police vehicles necessary to carry out all functions and responsibilities. Field law enforcement vehicles are normally replaced around 125,000 miles and the better of these vehicles are then reissued or reassigned to support services such as prisoner transport or spare fleet vehicles. They are maintained in this capacity until they become unreliable or repairs and maintenance becomes cost prohibitive.

The Sheriff’s Office requests to purchase one new 2012 Ford Explorer to be used by Investigations Division. This vehicle will be purchased under Contract #: 194-1350 at a price of \$24,362.00.

The vehicle to be replaced is a 2001 Ford Explorer with 154,000 miles. This vehicle will be reissued to the Franklin County 911 Center to replace the Ford Explorer that was totaled in an accident this past winter.

RECOMMENDATION:

The Franklin County Sheriff’s Office respectfully asks the Board of Supervisors to consider and approve the above request. The price of this purchase will be covered by the existing vehicle budget.

2012 OUTDOOR OCCASION PERMIT/DON PALMER

Don W. Palmer, Owner & Operator of the Motorcycle event is requesting approval for his 2012 Annual Outdoor Occasion Permit for August 25 & 26, 2012. The attached Outdoor Occasion Permit for Mr. Palmer. is enclosed for your review and consideration.

All pertinent agencies per County Code Section 13-29.2 have signed off on the 2012 Outdoor Occasion Permit for Mr. Palmer.

Per County Code Section 13-29.4 the fee of \$100.00 has been remitted and deposited with the County Treasurer’s Office.

RECOMMENDATION:

Staff request Board approval on the 2012 Outdoor Occasion Permit application as submitted per County Code Section 13-29.1.

RECREATION PARK TENNIS COURT RENOVATION

In 1977, Franklin County constructed four tennis courts at the Franklin County Recreation Park and then added two additional courts in 2004. These courts have been used by the public and the Franklin County High School tennis team nearly non-stop since that time. Since their construction, the courts have been refurbished at regular intervals due to the wear they receive from this constant use. The last such work was completed at the same time that the last two

courts were constructed eight years ago. The courts are now quickly falling into a state of disrepair and are in need of resurfacing, painting, and striping. There are currently more than 400 linear feet of cracks within the six courts. It is recommended that courts be refurbished every five years.

The Board of Supervisors has set aside \$ 25,000 in Capital Funds for this restoration project with any additional funding needs to be taken from the Parks and Recreation maintenance budget.

At the Board of Supervisors direction, the County advertised for bids in May 2012 for the Parks and Recreation Tennis Court Renovation. There were five companies that submitted bids ranging from \$27,715 to \$51,989. All the bids received were from credible companies with good references. Each bidder provided an acceptable scope of work that matched the County's request. The lowest bid of \$27,715 bid came from Central Virginia Tennis Company of Lynchburg. This firm is a reputable company with good references. They offer a one-year warranty on craftsmanship.

RECOMMENDATION:

The staff respectfully recommends that the Board of Supervisors direct the County Administrator to award the Parks and Recreation Tennis Court Renovation to Central Virginia Tennis Company for \$27,715.

RATIFICATION OF EMERGENCY DECLARATION FOR JUNE 29 & JULY 7, 2012
RESOLUTION FOR THE DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of Franklin County does hereby find:

1. That due to high winds and severe heat, Franklin County is facing dangerous conditions;
2. That due to the significant power outage, a condition of extreme peril to life and property necessitates the proclamation of the existence of an emergency;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED, that an emergency now exists throughout said County; and

IT IS FURTHER PROCLAIMED AND ORDERED, that during the existence of said emergency, the powers, functions, and duties of the Emergency Services organization of Franklin County shall be those prescribed by state law and the ordinances, resolutions, and approved plans of Franklin County in order to mitigate the effects of said emergency.

RESOLUTION FOR THE DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of Franklin County does hereby find:

1. That due to high winds and severe heat, Franklin County is facing dangerous conditions;
2. That due to the significant power outage, a condition of extreme peril to life and property necessitates the proclamation of the existence of an emergency;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED, that the local emergency declared by the Director of Emergency Services and County Administrator Richard E. Huff, II on June 29, 2012 is hereby ratified, and

IT IS FURTHER PROCLAIMED AND ORDERED, that during the existence of said emergency, the powers, functions, and duties of the Emergency Services organization of Franklin County shall be those prescribed by state law and the ordinances, resolutions, and approved plans of Franklin County in order to mitigate the effects of said emergency.

BE IT LASTLY RESOLVED, that the State of Local Emergency is hereby ended as of July 7, 2012.

SCHOOL CARRYOVER APPROPRIATION

At the June 17, 2012 board meeting, the Board of Supervisors approved amending the FY12-13 School budget by a total amount of \$1,698,628. It was also agreed that appropriation of these funds should not occur until determination could be made that the Schools had actually saved this amount of local funds in their FY11-12 budget.

Preliminary (unaudited) cash balances at June 30, 2012 indicate that the Schools have approximately \$2.5 million remaining in local funds. The County will be posting audit entries during the next several months and anticipates having draft audited financial statements in

early November. It is not anticipated that the cash balance in each fund will change significantly over the next several months.

RECOMMENDATION:

Staff respectfully requests the Board to appropriate \$1,417,555 in carryover funds and \$281,073 in energy reserve funds for a total appropriation of \$1,698,628 to the Schools in their FY12-13 budget.

JAKES 12TH ANNUAL EVENT

For the past 11 years the Franklin County Longbeards Chapter of the National Wild Turkey Federation has held a JAKES (Juniors Acquiring Knowledge, Ethics and Sportsmanship) event at Waid Recreational Area. Among the many worthwhile activities that happens at this event is of the live firing of the black powder (muzzleloading) and shot guns. Each year the JAKES event committee has gotten permission from the Board of Supervisors to allow live firing in the park and they are once again coming to the board for permission. This event is scheduled for September 8, 2012.

This is the 12th year for the JAKES event in Franklin County. Under the strict supervision of the Franklin County Longbeards Chapter NWTF and an officer from the Town of Rocky Mount Police Department, who are qualified as instructors and in firearm handling and safety, the group wishes to allow a live firing exercise with muzzleloading and 20 gauge shotguns. Their requirements for participation in this exercise are:

- Youths must be the ages of 11-17 years old to participate
- Each youth will be allowed to shoot a total of 2 rounds
- Each youth will be closely supervised, one on one by adult committee member
- Youths will be shooting at a still target
- Eye and hearing protection will be required and provided.

The FC Longbeards Chapter of the NWTF also has their own insurance covering this event.

RECOMMENDATION:

Staff recommends approval for the FC Longbeards Chapter of the National Wild Turkey Federation to have permission to conduct this live fire exercise in conjunction with the JAKES event at Waid Recreational Area on September 8, 2012.

PROPOSED LEASE FOR CALLAWAY GREEN BOX SITE

For over twenty (20) years Franklin County has had an opportunity to utilize for free approximately .39 acres at the intersection of Callaway and Ferrum Mountain Road as a greenbox site. This site is owned jointly by W. Wayne Angell and Faye F. Angell. Mr. & Mrs. Angell have indicated that it is their recommendation that Franklin County enter into a long term lease to provide for the continued use of the property should the property be subdivided or sold.

This site in Callaway is convenient to the residents located in the Callaway area and is grandfathered as to entrance and accessibility. Should this site be abandoned or sold it would be necessary to identify & purchase property which met VDOT site distance requirements and the subsequent development of a new site. Projected costs could exceed well over \$50,000. The proposed lease (attached) has been discussed with Mr. Angell, however, final review and acceptance of the document as prepared will be required by Mr. & Mrs. Angell. Mr. Angell has indicated his general acceptance of the lease arrangement as follows:

- Rent of \$300 monthly/\$3600 annually.
- That the initial term of the lease be for ten (10) years beginning August 1, 2012 through July 31, 2022
- Renewal for an additional ten (10) year term beginning August 1, 2022
- Right of first refusal should the property be placed on the market for sale during the term of the lease

RECOMMENDATION:

It is the recommendation of staff that the BOS consider entering into a lease arrangement with Mr. & Mrs. W. Wayne Angell subject to the terms of the proposed lease. Staff respectfully requests that the County Administrator be authorized to enter into a lease with Mr. And Mrs. W. Wayne Angell. This document has been reviewed and approved as to form by Franklin County legal counsel.

SHERIFF’S DEPARTMENT REPLACEMENT VEHICLE

The Franklin County Sheriff’s Office is a law enforcement agency with local jail and law enforcement responsibility. It maintains a fleet of police vehicles necessary to carry out all functions and responsibilities. Field law enforcement vehicles are normally replaced around 125,000 miles and the better of these vehicles are then reissued or reassigned to support services such as prisoner transport or spare fleet vehicles. They are maintained in this capacity until they become unreliable or repairs and maintenance becomes cost prohibitive.

The Sheriff’s Office requests to purchase one new Police Vehicle to replace a current vehicle that was totaled during a pursuit of a fleeing felon. The police vehicle was intentionally damaged when the fleeing driver hit the front of the police vehicle. The damaged police vehicle is a 2009 Crown Vic. with over 89,000 miles and the insurance company considered it to be a total loss.

The Sheriff’s Office is scheduled to receive a payment of \$9300.00 that will be used toward the purchase of a new vehicle. The remaining balance of the new vehicle will come from the existing vehicle budget not to exceed \$18,000.00. The new vehicle will come from State Contract Pricing and will come from Acct# 3000-021-0017-7005.

RECOMMENDATION:

The Franklin County Sheriff’s Office respectfully asks the Board of Supervisors to consider and approve the above request. The price of this purchase will be covered by the existing vehicle budget and insurance payment.

(RESOLUTION #01-07-2012)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented above.

MOTION BY: Ronnie Thompson

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

BOARD RETREAT AGENDA

Richard E. Huff, II, County Administrator, shared with the Board a draft Planning Retreat Agenda, as follows:

**Planning Retreats – August, 2012
Franklin County Board of Supervisors**

Wednesday, August 1, 2012

- 9:30 Fire/EMS Station Planning – Westlake Options
- Emergency Medical Dispatch/911
- Communication Center Governance
- EMS Manpower Review/Call Volume Analysis
- Goode Building Renovation Recommendations for Sheriff’s Department
- County Owned Vacant Office Space
- 1:30 WRAP-UP

Friday, August 3, 2012

- 9:30 Future Utilities Planning – Sewer in 220 N. Corridor, Water to Burnt Chimney
- Board Discussion – Future Planning Vision, Village Center Policies for Growth, Comprehensive Plan Concerns
- Parameters of Joint Operations Studies with School Division
- Equalization of Pay
- Board Priorities FY12-13

1:30 WRAP-UP

Mr. Ronnie Thompson, explained the need for equalization of pay. Also the need to discuss benefits reflecting the differences between the agencies (medical plans, leave & vacation time, etc.)

Mr. Huff stated the need to discuss County Capital needs. Mr. Huff requested direction from the Board regarding strategic planning.

Mr. Cundiff requested Mr. Huff to bring someone in on when/how/if this is best time to borrow money to assist with these issues.

Mr. Bobby Thompson asked about Economic Development discussion to be held at a later day.

Mr. Huff advised the Board staff will hold an after storm action meeting to review actions and damage to benefit the County. Mr. Ronnie Thompson would like for staff to get the message out to the citizens of **WHERE** they may be able to go should the need arise. Praises to **“ALL”** who helped during the crisis is appreciated.

The Board requested staff to have an APCO representative to address the Board regarding storm damage, clean-up, etc.

OTHER MATTERS BY SUPERVISORS

Bob Camicia, Supervisor, Gills Creek District
❖ **Telephone Book Distribution/Littering**

Mr. Camicia shared his dislike and concerns over the yellow bagged telephone books being delivered (especially in his district). Mr. Camicia stated residents were not always at home to pick the material up and decided whether to keep/discard the books and it became trash. Mr. Camicia would like to pass an ordinance to direct companies to mail telephone books and stop the delivering of such literature and causing a risk of break-ins for County citizens. The County attorney will report back to the Board, his findings.

❖ **Speed Limit Study Request/Smith Mountain Lake Park Area**
Mr. Camicia, advised the Board Smith Mountain Lake Park residents contacted him regarding parking, speed and littering in the Smith Mountain Lake Park area. Mr. Camicia requested the Board to forward a request to VDOT to request a speed limit study within the Smith Mountain Lake Park area.

(RESOLUTION #02-07-2012)
BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to forward to VDOT a request for a Speed Limit Study for the Smith Mountain Lake Park area.
MOTION BY: Bob Camicia
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

Leland Mitchell, Supervisor, Snow Creek District
❖ **Speed Limit Study Request/State Route 837**

Mr. Mitchell, requested the Board to concur with a speed limit study on St. Rt. 827 (Windy Ridge Road) a 10’ wide and a one way road. The residents have made the request to have the study conducted.

(RESOLUTION #03-07-2012)
BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to forward to VDOT a request for a Speed Limit Study for State Route 827.
MOTION BY: Leland Mitchell
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

FAMILY RESOURCE CENTER/WALK-THROUGH AUDIT/DHCD
Chairman David Cundiff, advised the Board the Family Resource Center had received a letter from the Department of Housing & Community Development with regards to monitoring the administration of the State Shelter Grant (SSG) and Child Services Coordination Grant (CSCG). Mr. Cundiff advised the Board the following reviews were conducts:

Facility Review – No findings or concerns
Organization Review – No findings or concerns
Financial and Statistical Review – No findings
Client Services Review – The Homeless Certification form in nine of the eleven closed files reviewed were unsigned.

Chairman Cundiff congratulated the agency on a job well done.

Mr. Ronnie Thompson, Boone District Supervisor, requested the Board to present a resolution of appreciation to the following families:

John Echternach Boones Mill Fire Fighter
Dennis Eggleston, IT Employee,

FERRUM INDUSTRIAL DEVELOPMENT BUILDING

Mr. Ronnie Thompson, Boone District Supervisor, requested his previous vote of (NAY) be changed to (AYE) during a vote taken during the June 19, 2012 BOS meeting on **RESOLUTION #06-06-2012** as follows:

(RESOLUTION #06-06-2012)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to ratify the purchase of the Ferrum Industrial Development Building (Former Serenity Cabinets) and authorize staff to execute necessary documents associated with the purchase of the property.

MOTION BY: Charles Wagner

SECONDED BY: Bob Camicia

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Wagner, Brubaker, Camicia, Thompson & Cundiff

NAYS: Ronnie Thompson

Mr. Thompson stated he was wrong and would like for the record to show his vote as Aye reflecting a unanimous 7-0 vote in favor of the motion.

Mr. Bobby Thompson and Mike Thurman, Director of General Properties presented the following on Endicott Voting Precinct.

Mr. Thurman stated in December, 1955, the County was conveyed a small parcel of land in the Endicott section of Franklin County. At some point after obtaining the tract, the building shown in the photos you have was constructed for the purpose of a voting precinct. It is likely the Eastern “wing” was added at a later time. The building contains approximately 312 sq. ft. This building was used as a polling place until 1997.

In August of 1997, at the request of the County, the Department of Justice approved moving the “Endicott Precinct” from this location. Since the November election of 1997 the Crossroads Ruritan building has served as the official “Endicott Precinct”.

After moving the precinct in 1997, the former building has been vacant and thereby reason for today’s discussion.

Originally and according to earlier maps it was assumed that (The County) owned a larger triangle with Runnett Bag Creek and Endicott Hill Road being the borders.

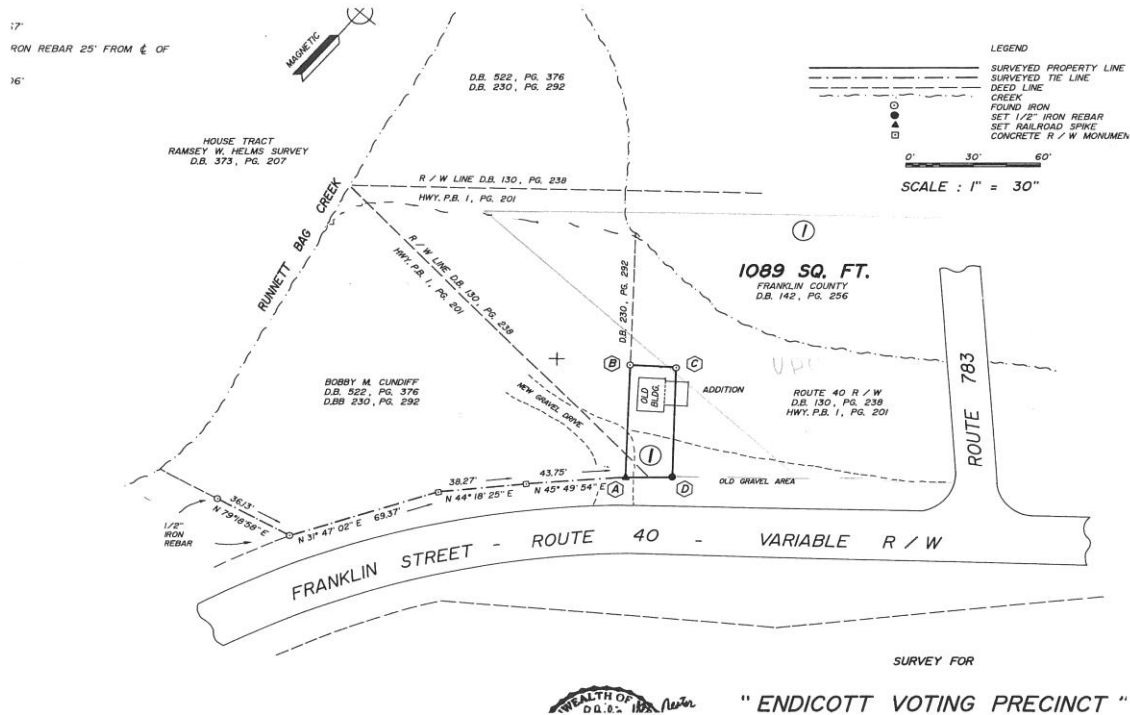
However, after looking closer that does not appear to be the case. A year prior to the County being conveyed our land (1954) the Commonwealth of Virginia had been conveyed a parcel of land. This tract is identified as Route 40 Right of Way and is believed to have been part of the road project at the time.

With all of that is appears the only property owned by the County is the approximate 1,089 sq. ft. that the cinder block structure sits on. The property is represented by corners A, B, C & D on the following map.

Mr. Thurman stated an adjoining property owner contacted Mr. Bobby Thompson with regard to among other things, the ongoing disrepair of the structure. This has led us to where we are today to discuss and seek Board direction regarding the property.

(RESOLUTION #04-07-2012)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for a public hearing to be scheduled during the August 21, 2012 meeting to convey the property to the adjoining property owner with a fair market value established for the former Endicott Voting Precinct, (*Parcel ID Number: 098001400; Tax Map: 09800; Parcel: 01400; Deed Book 142, Page 256; Track represented by corners A,B,C & D as indicated below*), as presented.



MOTION BY: Charles Wagner
 SECONDED BY: Leland Mitchell
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

ENDICOTT VOTING PRECINCT SIGN

Chairman Cundiff requested the Endicott Voting Precinct Sign (currently on the building) be donated to the Franklin County Historical Society. The Board concurred.

**CLOSED MEETING
 (RESOLUTION #05-07-2012)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-1, Personnel, a-3, Acquisition of Land, a-5, Discussion of a Prospective New Business or Industry, or of Expansion of an Existing One, and a-7, Consult with Legal Counsel, of the Code of Virginia, as amended.

MOTION BY: Charles Wagner
 SECONDED BY: Bobby Thompson
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

MOTION: Ronnie Thompson
 SECOND: Charles Wagner
 WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and

RESOLUTION: #06-07-2012
MEETING DATE July 17, 2012

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:
 AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff
 NAYS: NONE
 ABSENT DURING VOTE: NONE
 ABSENT DURING MEETING: NONE

(RESOLUTION #07-07-2012)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve and authorize the County Administrator or his designee to attend a specific public auction for the bid/purchase of used equipment, as permit by State Code Section 2.2-4303.

MOTION BY: Ronnie Thompson
 SECONDED BY: Leland Mitchell
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

Chairman Cundiff recessed the meeting for dinner.

Chairman Cundiff called the meeting to order and recessed the meeting for the previously advertise public hearings as follows:

PETITION FOR SPECIAL USE PERMIT - Petition of **Robert W. Harrison/Petitioner, Robert & Icie Harrison/Owners** requesting a Special Use Permit for “Home occupations, Class A,” for a +/- 5.08-acre parcel located at 145 Pleasant Ridge Drive in the Union Hall District of Franklin County, further identified as Tax Map # 46, Parcel # 21.2 in the Franklin County Real Estate Records. The subject property is currently zoned R-1, Residential Suburban Subdivision District.

Neil Holthouser, Director of Planning & Community Development, presented the following staff report:

Petition of **Robert W. Harrison/Petitioner, Robert & Icie Harrison/Owners** requesting a Special Use Permit for “Home occupations, Class A,” for a +/- 5.08-acre parcel located at 145 Pleasant Ridge Drive in the Union Hall District of Franklin County, further identified as Tax Map # 46, Parcel # 21.2 in the Franklin County Real Estate Records. The subject property is currently zoned R-1, Residential Suburban Subdivision District, which requires a Special Use Permit for Class A home occupations. The 2025 Comprehensive Plan for Franklin County designates this area as appropriate for Low Density Residential uses, with an anticipated residential density of one to two units per acre. The R-1 zoning category allows for a range of residential densities, with a maximum density of 1.25 units per acre on private well and septic, and a maximum of 5.8 units per acre with public water and sewer. The subject property is currently developed with one

dwelling unit, resulting in a residential density of approximately 0.2 units per acre. The petition for Special Use Permit would not result in any additional dwelling units.

The Planning Commission held a public hearing in consideration of this request at its June 12, 2012, meeting. By vote of 6-0 (McGhee absent), the Planning Commission approved the following:

The Planning Commission recommends that the Board of Supervisors approve the request for Special Use Permit for "Home occupations, Class A," with the following conditions:

- 1. Limitation of use. This Special Use Permit for "Home occupations, Class A," shall be limited to the requested use of gunsmithing and gun repair.
- 2. Outdoor activities prohibited. The home occupation must be conducted indoors, within the confines of the dwelling unit. No firearms associated with this home occupation shall be discharged outdoors.

Public Hearing was opened.

No one spoke for or against the proposed special use permit.

Public Hearing was closed.

(RESOLUTION #08-07-2012)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the special use permit with the conditions as discussed for uses as provided in this chapter finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base. Approval with the following conditions:

Approved Conditions:

- 1. Limitation of use. This Special Use Permit for "Home occupations, Class A," shall be limited to the requested use of gunsmithing and gun repair.
- 2. Outdoor activities prohibited. The home occupation must be conducted indoors, within the confines of the dwelling unit. No firearms associated with this home occupation shall be discharged outdoors.

MOTION BY: Bob Camicia

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

PUBLIC NOTICE

The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M.**, on **Tuesday, July 17, 2012**, in the Government Center, Board of Supervisors Meeting Room located at 1255 Franklin Street, Suite 104, Rocky Mount, Virginia to consider the adoption of **Section 11-65.5** of the Franklin County Code:

ORDINANCE ADOPTING SECTION 11-65.5

REIMBURSEMENT OF EXPENSES INCURRED FOR EMERGENCY RESPONSES TO DUI & RELATED ACCIDENTS AND INCIDENTS AND SETS A FLAT FEE OF \$350 FOR SUCH RESPONSES

ORDINANCE

SECTION 11-65.5. Reimbursement of expenses and costs incurred responding to accidents and incidents relating to DUI and certain other offenses.

A. Applicability. This ordinance may apply to persons convicted of violating any of the following Code Sections:

1. The provisions of Sections 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02 or 46.2-341.24, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident.

2. The provisions of Article 7 (Section 46.2-852 et seq.) of Chapter 8 of Title 46.2 relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident.

3. The provisions of Article 1 (Section 46.2-300 et seq.) of Chapter 8 of Title 46.2 relating to driving without a license or driving with a suspended or revoked license; and

4. The provisions of Section 46.2-894 relating to improperly leaving the scene of an accident.

B. There is hereby imposed a flat fee of Three Hundred Fifty Dollars (\$350.00) payable to the County of Franklin for an “appropriate emergency response”, which includes the cost of providing law enforcement, fire fighting, rescue, and emergency medical services response to any accident or incident as described in Paragraph A above.

C. 1. Any person deemed liable under Paragraph A of this Code Section shall be personally liable to Franklin County for the Three Hundred Fifty Dollar (\$350.00) flat fee above set out.

2. The fee may be imposed at the time of sentencing following criminal conviction or in a separate civil action.

3. The provisions of this Section shall not preempt or limit any remedy available to the Commonwealth, to the locality, or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle, or any conduct as set forth herein.

Enabling legislation; Virginia Section 15.2-1716.

Public Hearing was opened.

Daryl Hatcher, Director of Public Safety, presented the proposed ordinance relating to DUI and related accidents and incidents and sets a flat fee of \$350 for such responses as aforementioned.

No one spoke for or against the proposed ordinance.

Public Hearing was closed.

(RESOLUTION #09-07-2012)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the proposed ordinance, as advertised, and that the public purpose is public necessity, convenience, general welfare, or good zoning practice and in accord with the requirements of Section 25-729 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

MOTION BY: Ronnie Thompson

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

Chairman Cundiff adjourned the meeting.

DAVID CUNDIFF
CHAIRMAN

SHARON K. TUDOR, MMC
COUNTY CLERK